

MINUTES

FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

7/17/2006 4:30 pm

SUE BEITIA, CLERK

CASE NUMBER: CV 03-00672SOM-BMK
CV 04-00588SOM-BMK

CASE NAME: In the Matter of the Complaint of Morning Star Cruises, Inc.
Shiroh Fukuoka, et al. vs. Morning Star Cruises, et al .

ATTYS FOR PLA: Gregory Markham

ATTYS FOR DEFT: Robert Kawamura

INTERPRETER:

JUDGE: Susan Oki Mollway

REPORTER: Debra Chun

DATE: 7/17/2006

TIME: 3:00 - 3:45

COURT ACTION: EP: Limitation Plaintiff's Motion for Summary Judgment in Favor of Plaintiff's Complaint for Exoneration From of Limitation of Liability -

Arguments.

Discussion held re: whether or not this Court has subject matter jurisdiction re: the state court tort action, etc.

Parties instructed that any further request to continue the trial date will be addressed by this court.

Limitation Plaintiff's Motion for Summary Judgment in Favor of Plaintiff's Complaint for Exoneration From of Limitation of Liability - Court construes this motion as only asking if the Court has admiralty jurisdiction in the limitation action - Granted.

Court to prepare the order.

Plaintiff may file a new motion by 7/21/06.

A hearing date of 8/21/06 @ 11:15 a.m. is reserved for this motion.

Any opposition to be filed by 8/3/06.

Any reply to be filed in due course.

Parties to file briefs re: issues raised in the Court's inclination re: advisability of the Court retaining the state court case by 8/3/06.

A 1,500 word limitation is imposed for the briefs.

This issue will be addressed at the hearing on 8/21/06.

Submitted by: Toni Fujinaga, Courtroom Manager.